

ORDINANCE NO. 3892

AN ORDINANCE OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY,
ARIZONA, ADDING ARTICLE III TO CHAPTER 36 OF THE SCOTTSDALE
REVISED CODE

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. Article III of Chapter 36 of the Scottsdale Revised Code is hereby added:

ARTICLE III. FIREWORKS.

Sec. 36-75. Purpose.

The City Council hereby recognizes that the desert environment of Arizona has unique fire risks and adopts this article to enhance the public safety and welfare of its citizens and the community by prohibiting the use of fireworks within the City.

Sec. 36-76. Definitions.

- (A) The following words, terms and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- (1) *City Permit* means a permit issued by the City Fire Chief or designee.
 - (2) *Display fireworks* means those fireworks defined by Arizona Revised Statutes Section 36-1601.
 - (3) *Expenses of an emergency response* means reasonable costs directly incurred by public agencies including but not limited to the City Fire, Police and Public Works Departments or other first responders including but not limited to private ambulance companies that make an appropriate emergency response to an incident.
 - (4) *Fireworks* means display fireworks, consumer fireworks and permissible consumer fireworks as defined by Arizona Revised Statutes Section 36-1601.
 - (5) *Novelty items* means federally deregulated novelty items that are known as snappers, snap caps, party poppers, glow worms, snakes, toy smoke devices and sparklers.
 - (6) *Permissible consumer fireworks* means those fireworks as defined by Arizona Revised Statutes Section 36-1601 that may be sold within a municipality even where the use of those items has been prohibited.
 - (7) *Reasonable costs* means the costs of providing police, fire fighting, clean-up, rescue and emergency medical services at the scene of an incident and the salaries of the persons who respond to the incident.
 - (8) *Supervised show* means a monitored performance of display fireworks open to the public authorized by city permit.

Sec. 36-77. Fireworks prohibited; exceptions.

- (A) The use of fireworks within the city is prohibited.
- (B) Nothing in this section or article shall be construed to prohibit the use of novelty items or the carrying out of a supervised show or possession of display fireworks authorized by city permit.

Sec. 36-78. Sale of Fireworks.

- (A) No person shall sell or permit or authorize the sale of permissible consumer fireworks to a person who is under sixteen years of age.
- (B) No person shall sell or permit or authorize the sale of permissible consumer fireworks in conflict with state law.
- (C) No person shall sell, possess, authorize or manufacture consumer or display fireworks unless authorized by state law or city permit.

Sec. 36-79. Posting of signs by persons engaged in the selling of permissible consumer fireworks; civil penalty.

- (A) Prior to the sale of permissible consumer fireworks, every person engaged in the selling of permissible fireworks shall prominently display signs indicating the following:
 - (1) The use of all fireworks including permissible consumer fireworks as defined under state law within the City of Scottsdale is prohibited except as authorized by Fire Department permit.
 - (2) Consumer fireworks authorized for sale under state law may not be sold to persons under the age of 16.
- (B) Signs required under this section shall be placed at each cash register and in each area where fireworks are displayed for sale.
- (C) The City Fire Chief or designee shall develop regulations concerning the size and color of the required signs and develop a model sign. The required sign regulations and model sign shall be posted on the City's website and filed with the City Clerk's office.
- (D) Failure to comply with subsections A or B above is a civil offense punishable by a minimum fine of \$250.00.

Sec. 36-80. Authority to enforce violations of this article; means of enforcement.

- (A) The City Fire Chief or designee, a Scottsdale police officer or the City Attorney may issue civil complaints to enforce violations of this article designated as civil offenses.
- (B) Any person authorized pursuant to this section to issue a civil complaint may also issue a notice of violation specifying actions to be taken and the time in which they are to be taken to avoid issuance of a civil or criminal complaint.
- (C) A Scottsdale police officer or the City Attorney may issue criminal complaints to enforce this article.

Sec. 36-81. Penalties.

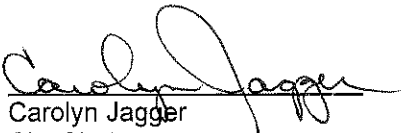
The penalty for violating any prohibition or requirement imposed by this article is a class three misdemeanor with a minimum fine of \$275.00 unless another penalty is specifically provided for.

Sec. 36-82. Liability for emergency responses related to use of fireworks.


- (A) A person who uses, discharges or ignites fireworks is liable for the expenses of any emergency response that is required by such use, discharge or ignition. The fact that a person is convicted or found responsible for a violation(s) of this article is prima facie evidence of liability under this section.
- (B) The expenses of an emergency response are a charge against the person liable for those expenses pursuant to subsection A of this section. The charge constitutes a debt of that person and may be collected proportionately by the public agencies or other first responders that incurred the expenses. The liability imposed under this section is in addition to and not in limitation of any other liability that may be imposed.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this 9th day of November, 2010.

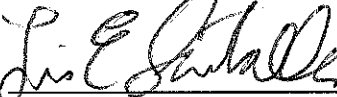
ATTEST:


Carolyn Jagger
City Clerk

CITY OF SCOTTSDALE, an
Arizona municipal corporation


W.J. "Jim" Lane
Mayor

APPROVED AS TO FORM:


Bruce Washburn
City Attorney
By: Luis E. Santaella
Assistant City Attorney